

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7209

BILL NUMBER: SB 416

NOTE PREPARED: Jan 6, 2004

BILL AMENDED:

SUBJECT: Jury Service.

FIRST AUTHOR: Sen. Ford

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It removes certain professional exemptions from jury duty.
- B. It provides that a person is entitled to one automatic postponement of jury duty, and provides for exemptions from jury duty for health reasons and for certain persons with caregiver responsibilities.
- C. It excuses a juror from service if the juror has served within the preceding 24 months.
- D. It creates the Lengthy Trial Account to be funded by a \$3 filing fee in civil cases.
- E. It provides that a person who serves in a trial lasting more than ten days may receive wage replacement from the Lengthy Trial Fund, and it caps the wage replacement at \$300 per day for every day of jury service beyond the tenth day.
- F. It provides that certain individuals serving more than 10 days on a jury may receive hardship wage replacement for jury service from days 4 through 10, with a \$100 per day cap.
- G. It provides that the Division of State Court Administration shall administer the Lengthy Trial Account.
- H. It makes it a Class C misdemeanor to avoid jury service or to make misrepresentations on a jury questionnaire.
- I. It prohibits an employer from requiring an employee to use vacation or other leave for jury service.
- J. It makes conforming amendments and repeals superseded penal statutes concerning jury service.

Effective Date: July 1, 2004; July 1, 2005.

Explanation of State Expenditures: *Added Responsibilities for the Division of State Court Administration—* Staff in the Division would administer the Lengthy Trial Account based on criteria identified in this bill.

Depending on the Division's current workload and the number of jury members who would apply and be eligible for compensation from this fund, the Division may need more staff to administer this account. [Note: This portion of the fiscal note will be updated when more information is available.]

Potential Payments from the Lengthy Trial Fund – The number of cases in which members of a jury trial would be eligible for compensation is not able to be estimated. As background, the following table presents a five-year history of cases decided by jury in Indiana's courts.

Cases Disposed by Jury Trial By Calendar Year					
	1998	1999	2000	2001	2002
Criminal	1,828	1,552	1,439	1,394	1,297
Juvenile	2	4	1	3	3
Civil	575	604	588	638	715
Total Cases	2,405	2,160	2,028	2,035	2,015

No published information is available in Indiana concerning the number of days that juries take to decide cases, so the potential amount of payments can not be estimated.

Explanation of State Revenues: *Provision D, E, F, and G:* The bill would create the Lengthy Trial Account within the state General Fund to be administered by the Division of State Court Administration. The fund would compensate a juror by replacing some or all of a juror's wages if the juror serves more than 10 days, the juror's employer pays less than full wages for the period of jury service, the juror applies to the Division of State Court Administration, and, for hardship wage replacement (for days 4 through 10), the trial court certifies the financial hardship for the juror. The fund would receive revenue from a Lengthy Trial Fee imposed on qualifying civil actions. The court clerk would collect and transfer the fee to the Auditor of the State semiannually.

The following table presents an estimate of the potential number of cases for which litigants might pay this proposed fee.

Estimating the Potential Cases in Which Litigants Would Pay Lengthy Trial Fee				
	Cases Filed		Percent Paying	Potential Cases Where Litigants Pay Fee
Plenary	36,358	x	50%	18,179
Mortgage Foreclosure	29,731	x	100%	29,731
Civil Collections	51,760	x	50%	25,880
Tort	14,596	x	50%	7,298
Mental Health	6,109	x	50%	3,055
Protective Orders	26,387	x	50%	13,194
Miscellaneous	10,122	x	50%	5,061
Totals	175,063			102,398

Based on these estimates, the following table indicates the potential revenue that could be deposited into the Lengthy Trial Account.

Potential Revenue From Lengthy Trial Fee				
Potential Cases		Fee		Potential Revenue
102,398	x	\$3	=	\$ 307,194

The bill would allow for replacement compensation for jurors in lengthy trials with a maximum of \$300 per day.

Provision H: Under current law, a person who fails to appear or complete jury duty and cannot show just cause may be found in contempt of court and fined up to \$100, confined for up to 3 days in jail, or both. The bill would make it a Class C misdemeanor to avoid jury service or make misrepresentations on a jury questionnaire. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C misdemeanor is \$500.

Explanation of Local Expenditures: *Provision H:* Under current law, a person who fails to appear or complete jury duty may serve up to 3 days in jail. A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

*Provisions not specifically discussed are expected to have minimal fiscal impact for administrative costs.

Explanation of Local Revenues: *Provision H:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees.

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Executive Summaries of Indiana Judicial Reports, 1998 through 2002.

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